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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,568	09/09/2003	Zhu Dong	684-011485-US (PAR)	3418
2512	7590	09/11/2007		
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER HOANG, HIEU T	
			ART UNIT 2152	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/658,568

Applicant(s)

DONG, ZHU

Examiner

Hieu T. Hoang

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to the communication filed on 08/14/2007.
2. Claims 12 and 13 are new.
3. Claims 1-13 are pending and presented for examination.

### ***Response to Amendment***

4. The 35 U.S.C. 101 rejection of claim 11 has been withdrawn due to the amendment.

### ***Response to Arguments***

5. Applicant's arguments filed have been fully considered but they are not persuasive. The main argument is on pages 6-8 of the Remarks wherein the applicant argues that the prior art does not teach: "the timing application records the predetermined time a timing register". The examiner respectfully traverses the argument. Arguments on the prior art Ben-Shachar alone are moot because the previous office action did not rely on Ben-Shachar for timing capability of when to send a prerecorded message. The prior art should be considered as a combination Ben-Shachar and Lewis. In the application, the timing register is just a set of memory bits that records a predetermined time when the user wants a message to be sent to the recipient. The prior art discloses that the user can enter a time or time interval or even a time/interval prior to delivering the message in a record (Lewis, col. 11 lines 8-25). One skilled in the art would appreciate that the record of Lewis can be a set of bits or a register in a memory because the record has to be stored and retrieved later in order to

check whether the predetermined time has expired or not in order to deliver the message.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 11 is rejected under 35 U.S.C. 101 as the claimed invention is directed to non-statutory subject matter. A computer program comprising code is software per se, and is therefore non-statutory subject matter.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4, and 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shachar et al. (US 6,208,996, hereafter Ben-Shachar), in view of Lewis et al. (US 6,738,635, hereafter Lewis).

10. For claim 1, Ben-Shachar discloses a system for transmitting a message at a predetermined time and comprising:

- a transmitting mobile communication device connected to a communication network (fig. 1, mobile device 3 in communication with desktop computers 4 and 13, and mobile device 10), and said transmitting mobile communication device comprising a calendar application that allows the user to enter an appointment and an associated user notification.

Ben-Shachar does not explicitly disclose:

- a message generator enabling an operator to generate a message and to define a recipient of said message and a predetermined time for transmitting said message, and a timing element transmitting said message at said predetermined time.

However, Lewis discloses:

- a message generator enabling an operator to generate a message and to define a recipient of said message (col. 9 lines 9-17, schedule data alert messages can be edited by a user, col. 10 lines 57-63, recipient is identified by a message retrieving entity identifier) and a predetermined time for transmitting said message, and a timing element configured to record the predetermined time in a

timing register (col. 11 lines 8-25, storing the user defined time in memory), the timing register transmitting said message at said predetermined time (col. 11 lines 16-24, send message after a predetermined time expires).

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar and Lewis to implement a notification method that allows the user to edit or modify alert message to provide more functionality and user friendliness to the user.

11. For claim 2, Ben-Shachar/Lewis discloses the invention substantially as in claim 1. Ben-Shachar/Lewis further discloses said message comprises a notification or an alert comprising a text, an audio track, a visual image, or any combination thereof (Lewis, col. 9 lines 15-17, text alert messages, Ben-Shachar, col. 6 lines 52-61; audible or visual indicia for notification).

12. For claim 3, Ben-Shachar/Lewis discloses the invention substantially as in claim 1. Ben-Shachar/Lewis further discloses said message comprises a short messaging service (SMS), a multimedia messaging service (MMS) message, or unstructured supplementary service data (USSD) (Lewis, col. 6 lines 5-23, col. 10 lines 63-66, col. 11 lines 48-65, short message service SMS).

13. For claim 4, Ben-Shachar/Lewis discloses the invention substantially as in claim 1. Ben-Shachar/Lewis further discloses said communication network comprises a

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wireless telecommunication network, a wireless short range short wave radio network, such as Bluetooth, a computer network, or any combination thereof (Lewis, abstract, wireless schedule notification method, Ben-Shachar, fig. 3, wireless mobile device).

14. For claim 6, Ben-Shachar/Lewis discloses the invention substantially as in claim 1. Ben-Shachar/Lewis further discloses said mobile communication device further comprises a calendar element enabling said operator to schedule events (Ben-Shachar, col. 6 lines 52-54), which calendar element connecting to said message generator thereby enabling said operator to define an event in the calendar element and to generate an event notification in said message and to define a predetermined time for transmitting said event notification to said recipient (Ben-Shachar, col. 6 lines 54-61, Lewis, col. 11 lines 16-25, notification prior to a scheduled event at a predetermined time).

15. For claim 7, Ben-Shachar discloses a mobile communication device for connecting to a communication network and transmitting a message at a predetermined time (col. 6 lines 52-61), and comprising a keyboard and display for interfacing with an operator (fig. 3),

Ben-Shachar does not disclose:

- a storage element for storing a message generator application adapted to enable said operator to generate content of said message,
- a transmission application adapted to process and pass said message, and

- a timing application adapted to time transmission of said message according to a predetermined transmission time, a processor for processing data and executing said applications stored in said storage element.

However, Lewis discloses:

- a storage element for storing a message generator application adapted to enable said operator to generate content of said message (col. 9 lines 9-17, schedule data alert messages can be edited by a user, col. 10 lines 57-63, col. 11 lines 16-24, an event record to store notification messages or schedule data alert messages),
- a transmission application adapted to process and pass said message (fig. 3, transfer data step 110), and a timing application configured to record the predetermined time in a timing register (col. 11 lines 8-25, storing the user defined time in memory), the timing register being adapted to time transmission of said message according to a predetermined transmission time (col. 9 line 57-col. 10 line 2, col. 11 lines 16-33, timing application for delivering a notification message prior to a scheduled event at a predetermined time), a processor for processing data and executing said applications stored in said storage element (col. 7 lines 56-57).

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar and Lewis to implement a notification method that allows the user to edit or modify alert message to provide more functionality and user friendliness to the user.



16. For claim 8, Ben-Shachar/Lewis discloses the invention substantially as in claim 7. Ben-Shachar/Lewis further discloses said message generator application is adapted to call said transmission application for preparing transmission through said message handling element, which during the process is adapted to call the timing application starting a timing function determining the transmission time of said message (Lewis, col. 11, lines 8-24, transmission of a notification message is scheduled by placing a period of time prior to the scheduled event, or calling a timing function to time for a transmission of the notification message, a message handling element is just a program code that enters the time from the user's input to the timing function).

17. For claim 9, Ben-Shachar/Lewis discloses the invention substantially as in claim 1. Ben-Shachar/Lewis further discloses comprising a calendar application adapted to enable the operator to perform calendar operations (Ben-Shachar, col. 6 line 52, Lewis, col. 10 lines 5-7) and wherein said calendar application is adapted to call said message generator application for generating a notification to be transmitted in said message at the predetermined time (Lewis, col. 9 lines 15-17, editing an alert message or a notification, col. 11, lines 8-24, transmission of a notification message is scheduled by placing a period of time prior to the scheduled event, or calling a timing function to time for a transmission of the notification message).

18. For claim 10, Lewis discloses a method for transmitting a message at a predetermined time from a transmitting communication device connected to a communication network (abstract), and said method comprising:

- (a) storing in a storage element a message generator application (col. 9 lines 14-18, user can edit the alert message by, e.g., using a known text editor), a transmission application (col. 11 lines 16-24, delivering or transferring notifications to a remote user's device), and a timing application (col. 9 line 57-col. 10 line 2),
- (b) processing data and executing said applications stored in said storage element by means of a processor (col. 7 lines 56-58),
- (c) enabling said operator to generate content of said message by means of said message generator application interfacing with said operator through a display and keyboard (col. 9 lines 14-17, the user can edit modify the alert message using a well known keyboard and display, col. 8 lines 5-14, col. 10 lines 5-7, application system interface allowing the user to input scheduling data),
- (d) enabling said operator to define a recipient of said message and a predetermined time for transmitting said message to said recipient where the timing application records the predetermined time in a timing register (col. 10 lines 55-64, col. 11 lines 8-25, storing the user defined time in memory),
- (e) processing and passing said message by means of said transmission application (col. 11 lines 16-24, delivering or transferring notifications to a remote user's device),

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(f) timing transmission of said message according to said predetermined transmission time by means of said timing application (col. 11 lines 16-24, timing the delivery or transfer of notifications to a remote user's device at a certain period of time prior to the predetermined event),

(g) transmitting said message through said communication network at said predetermined time by means of a message handling element operable by said transmission application (col. 11 lines 16-24, delivering or transferring notifications to a remote user's device).

Lewis does not explicitly disclose that the device is mobile.

However, Ben-Shachar discloses that the device is mobile (abstract, fig. 1, mobile device 3 with notification scheduling to the user).

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar and Lewis to implement a notification method on a mobile device that allows the user to edit or modify alert message to provide more functionality and user friendliness to the user.

19. For claim 11, the claim is rejected for the same rationale as in claim 10.

20. For claim 12, the message generator is configured to send a counting start request to the timing element wherein the predetermined time is registered in the timing register in response to the counting start request (fig. 4, counting start 54 and 56).

21. For claim 13, the timing element is configured to continually check the predetermined time with an internal clock function and send a counting done signal to the message generator when the predetermined time is reached to initiate the sending of the message (fig. 4, checking internal time and retrieval interval and send out a yes signal).

22. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Shachar/Lewis, as applied to claim 4, further in view of Kawamoto et al. (US 7,194,558, hereafter Kawamoto)

23. For claim 5, Ben-Shachar/Lewis discloses the invention substantially as in claim 4. Ben-Shachar/Lewis does not disclose said communication network further comprises a television network connecting to a gateway connected to said telecommunication network, said computer network, or said Bluetooth network.

However, Kawamoto discloses said communication network further comprises a television network connecting to a gateway connected to said telecommunication network, said computer network, or said Bluetooth network (fig. 1, col. 6 lines 1-8, a home gateway is connected between a public communication network including a telephone line, a cable television, and ISDN, the mobile device can be connected to a telephone line using a wireless phone, or a PDA wirelessly connected through the Internet using a Bluetooth connection, which is well known in the art).

Therefore, it would have been obvious for one skilled in the art at the time of the invention to combine the teachings of Ben-Shachar/Lewis and Kawamoto to implement a gateway having advanced functionality by adding functions of routing information providing processing to a gateway in a network configuration, such as an Ethernet, including a TV, phones, and PCs to reduce the cost of building separate transmission lines (Kawamoto, col. 1 line 64-col. 2 line 5).

***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Horvitz. US 6,618,716. Managing the transmittal and rendering of information, alerts, and notifications.
- Macor. US 7,047,038. Computer and mobile communication system.
- Lovy et al. US 7,069,480. Identifying problems in networks.
- Orr et al. US 7,019,622. Handheld electronic device with vibrator.
- Wu. US 6,275,575. Initiating cross-platform telephone conference.
- Gaumond et al. US 7,212,783. System and method for managing content between devices in various domains.

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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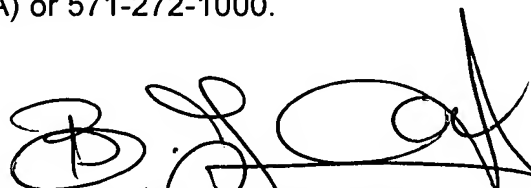
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu T. Hoang whose telephone number is 571-270-1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HH/

HH

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER  
9/4/7